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December 17, 2021

BY ECF AND EMAIL

Hon. Katherine Polk Failla
United States District Judge
Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007
Failla_NYSDChambers@nysd.uscourts.gov

MEMO ENDORSED

Re: TrackThings LLC v. NETGEAR, Inc., Case No. 1:21-cv-05440

Dear Judge Failla:

We write on behalf of Defendant NETGEAR, Inc. (“NETGEAR”) in accordance with Your Honor’s Individual Rules 9B and 9C to seal portions of NETGEAR’s Reply in Support of its Motion to Dismiss for Improper Venue or, in the Alternative, Transfer and to seal all of Exhibits A and B, attached to Winnie Wong’s Declaration in Support of NETGEAR’s Reply.

On pages 1, 7, 8, and 9, NETGEAR’s Reply quotes from Exhibits A, F, and G to Paul Friday’s Declaration in Support of NETGEAR’s Motion, previously filed and sealed on November 5, 2021. (See Dkt. 34, 36, 38, 39.) Exhibits A, F, and G to Mr. Friday’s Declaration are agreements between NETGEAR and third parties that contain notice and confidentiality provisions. NETGEAR has narrowly redacted only the quotations from the confidential agreements from its Reply. Additionally, Exhibits A and B attached to Ms. Wong’s Declaration contain confidential financial information from NETGEAR. NETGEAR respectfully requests that these exhibits be sealed in their entirety.

Per the Southern District of New York Electronic Case Filing Rules & Instructions §§ 6.5(a) and 6.9 and the Court’s Order (Dkt. 39), NETGEAR respectfully submits that the Viewing Level to be applied to the unredacted copies of NETGEAR’s Reply and Exhibits A and B filed contemporaneously with this letter should be “Selected Parties”—that is, limited to counsel appearing for NETGEAR and Plaintiff TrackThings LLC as well as court personnel.

Sincerely,

/s/ Joseph M. Drayton
Joseph M. Drayton
Counsel for Defendant NETGEAR, Inc.

Application GRANTED. Defendant shall be permitted to file the above-specified portions of its reply submission under seal, viewable only to the parties and the Court.

The Clerk of Court is directed to terminate the pending motion at docket entry 49.

Date: December 20, 2021
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE